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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,327	10/03/2002	Scott C. Harris	DIYCIP/SCH	9318
23844	7590	04/28/2005	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 04/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,327

Applicant(s)

HARRIS, SCOTT C.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 41-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 and 41-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18 and 41-52, drawn to accessing the Internet to execute an automatic bidding script using a handheld device, classified in class 705, subclass 37.
- II. Claims 19-40, drawn to monitoring browsing events, classified in class 709, subclass 224.

The inventions are distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as surveillance of browsing activities. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Scott Harris at (858) 678-5070 on March 29, 2005 to request an oral election to the above restriction requirement. Mr. Harris elected group I, claims 1-18 and 41-52.

Drawings

The drawings are objected to because reference numbers 300, 304, and 306 in figure 4 are incorrect in view of the specification. Examiner suggests changing the reference numbers to 400, 404, and 406 respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The specification should be revised carefully in order to some avoid some unclear, inexact or verbose terms. For example, please correct the underline word in line 10 of paragraph

0003 "may cause be information." Furthermore, in the abstract, please correct the underline word in the last sentence "...information from effectively an electronic Yellow Pages." Appropriate correction is required.

Claim Objections

Claim 1 is objected to because the limitation "the internet web site" in line 6 lacks antecedent support. Examiner suggests "the internet site". Appropriate correction is required.

Claims 7 and 10 are objected to because the limitation "said action" in lines 1 and 1 respectively lack antecedent support. Examiner suggests, "said sequence of actions". Appropriate correction is required.

Claim 42 is objected to because of the following informality: "a current" in line 1. Examiner suggests "a current time". Appropriate correction is required.

Claim 42 is objected to because of the following informality: "at said network is not available" in line 3. Examiner suggests, "if said network is not available". Appropriate correction is required.

Claim 45 is objected to because of the following informality: "singe" in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 5, 6, 8, 48, and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 6 recite the limitation "said value" in lines 2 and 1 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 8 recites the limitation "said action" in line 2. There is insufficient antecedent basis for this limitation in the claims because it is unclear which action applicant is referring to.

Claim 48 recites the limitation "said remote site" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 49 recites the limitation "said validate" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-18, and 41-52** are rejected under 35 U.S.C. 102(e) as being anticipated by Vlahoplus et al. (US publication no. 2002/0029183).

Re claim 1, Vlahoplus teaches a computing device, comprising: a handheld (fig. 1, element 200) housing and processor and display, said display displaying a plurality of different indicators, and wherein at least one of said indicators, when selected, selecting execution of a prestored sequence of actions that interface with a remote internet site (figs. 16a and 24a-24c), takes some action on the remote internet site, and returns information from the internet web site (fig. 14). *In other words, Vlahoplus discloses a handheld personal computer enables a user to enter user id and password at his computer (i.e. the remote internet site) to return the information from the Internet web site. The Internet site displays plurality of links (i.e. different indicators) that the user sequentially executed.*

Re claim 2, Vlahoplus teaches processor displays said information on said display (fig. 16a). *Figure 16a is an example of a display.*

Re claims 3 and ~~45-46~~, Vlahoplus teaches sequence accesses a plurality of different Internet sites, and said information is based on said plurality of Internet sites (fig. 20, elements 82-96 and fig. 34d). *In figure 20, Vlahoplus discloses elements 82-96 as plethora of links that are different Internet sites.*

Re claim 4, Vlahoplus teaches at least one of said indicators includes an area for entry of variable information, and wherein said variable information is sent to said Internet site (fig. 14). *In figure 14, Vlahoplus discloses user enters variable information such as a login id and password. After the information is entered than they are sent to Internet site to be login.*

Re claim 5, Vlahoplus teaches remote Internet site includes a bank, and said value includes a balance from said bank (fig. 16a). *Vlahoplus discloses a checking account and saving account number of a customer. Thus, an account of a customer includes a balance from a bank.*

Re claim 6, Vlahoplus teaches value includes a plurality of different actions on said web site that can be carried out (paragraphs 0195-0207; fig. 17). *In figure 17, Vlahoplus discloses different links such as user information, associated parties, commodities, etc that include different actions a user encounter upon clicking on the particular link.*

Re claims 7 and 44, Vlahoplus teaches action comprises a sequence of actions that are carried out to navigate through a sequence of actions on said web site and return a specified value (paragraphs 0205-0207; figs. 24a-24c). *In figures 24a-24c, Vlahoplus shows a sequence of actions a user carries out upon selecting a particular link. Once the link is clicked and all sequential actions are performed than a specified value is returned.*

Re claim 8, Vlahoplus teaches plurality of different actions include at least one action that can be selected to carry out said action on said web site (paragraphs 0222-0227; figs. 29a-29e).

Re claim 9, Vlahoplus teaches web site is a web site that enables bids to be placed on items, and said entry of variable information is an area where a bid amount can be input (paragraph 0239; figs.28d-30e). *Vlahoplus enables a user to bid on items for a particular amount such as a real estate property.*

Re claim 10, Vlahoplus teaches action comprises taking a first action on a first web site, to obtain a first value, and taking a second action on a second web site using said first value to access said second web site (figs. 35b-35d). *Vlahoplus discloses counter bid wherein a first value of a bid is establish than a second value of bid is the counter bid.*

Re claim 11, Vlahoplus teaches first action comprises obtaining a first bill amount from said first web site which represents a web site holding bills, and said second action comprises paying the bill amount obtained from the first web site using said second web site, which is a bank's web site (fig. 16a).

Re claims 12 and 50, Vlahoplus teaches action with the remote web site comprises validating a secured transaction (fig. 14). *In figure 14, the requirement of a user id and password in a user remote web site is the step of validating a secured transaction.*

Re claims 13 and 42-43, Vlahoplus teaches an indicator with a first state indicating that said validating has occurred within a first specified time and a second state indicating that said validating has not occurred within a specified time (paragraph 0208; fig. 24c). *In other words, Vlahoplus discloses validating has occurred within and not within a specified time by allowing user to define hourly consumption. When a user is defining a particular time then he is specifying a particular time frame.*

Re claims 14 and 49, Vlahoplus teaches a biometric reader, associated with said validating (fig. 14). *In figure 14, Vlahoplus requires user id and password, which is a form of biometric reader associating with validating. In computer technology, biometrics relates to authentication and security technique that rely on measurable to recognize or verify an*

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individual's identity. For example, a security method that relies on something a person knows such as a user id and password.

Re claims **15** and **47**, Vlahoplus teaches a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key (paragraph 0134).

Re claims **16** and **48**, Vlahoplus teaches a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key, and wherein said action comprises sending a message to the remote Internet site, validating said secret encryption key at said remote Internet site, and returning an indication of a valid secret encryption key to take said first state (paragraph 0134; figs. 2 and 6).

Re claims **17** and **51**, Vlahoplus teaches a handheld housing and wherein said processor and display are housed by said handheld housing (fig. 1a, element 200).

Re claims **18** and **52**, Vlahoplus teaches processor and display are battery driven (fig. 1a). *In figure 1a for element 200, Vlahoplus discloses handheld personal computer, personal digital assistant, cellular phone, etc. These handheld devices have a processor and display that are inherently battery driven.*

Re claim **41**, Vlahoplus teaches a computer as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Dutta et al, US Publication No. 2002/0073008, is directed to electronic commerce to uniquely identify a product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-0315.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
4/21/2005

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